

ORIGINAL



0000038266

Lyn Farmer

From: JUDY L BOROSKI [mjboroski@verizon.net]
Sent: Wednesday, January 11, 2006 2:32 PM
To: Lyn Farmer
Cc: Chris Kempley; Bradley Morton; Dwight Nodes; Steven Olea
Subject: Docket No. W-03514A-05--0729

RECEIVED

2006 JAN 11 P 3: 24

AZ CORP COMMISSION
DOCUMENT CONTROL

January 11, 2006

Ms. Lyn Farmer
Chief, Hearing Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007
lfarmer@azcc.gov

Dear Ms. Farmer:

Trusting your new year is starting out happy and healthy and will continue to be so throughout the coming year.

We, Mark and Judy Boroski are the developers, installers and sole financiers of the Elusive Acres water system located north of Payson, Arizona. It was suggested to us by Bradley Morton to contact you in regards to our disappointment and great concern over Judge Nodes' decision to delete our complaint from Docket No. W-03514A-05-0729 involving Whispering Pines Fire Department and Geronimo Estates and Elusive Acres complaint issues. Our disappointment stems from the fact that without our water system, there would be no water for the fire department or Geronimo Estates, nor would the property owners of Elusive Acres be subjected to a moratorium. We recognize that our complaint differs from the moratorium issues in that our issue concerns the contract between us and the current responsible water company, Brookes Utilities, which has clearly been breached. Our concern, by having our complaint segregated, is that our issue will not be resolved prior to this spring when our statute runs out for collecting monies owed us per this contract.

As outlined in previous letters to the commission, we are still in possession of tracts A, B and C, which house the storage, pumping and distribution of the entire Elusive Acres water system, excluding the tract of land under the apparent unauthorized link between Geronimo Estates and Elusive Acres water systems which is consequently inflicting the moratorium on the Elusive Acres property owners. It is in fact true, that there were a number of years that the Elusive Acres water system was the sole supplier of water to both sub-developments, not reflected by today's well out-put figures submitted by Brooke's Utilities.

We appreciate your concern and diligence in correcting the long, over-looked negligence of compliance and operation in regards to the Elusive Acres water system. Any monies due to us, per the original contract,

1/11/2006

would most certainly be appreciated by our family as soon as responsibilities are recognized. Please feel free to contact us with any questions you may have by phone, 440-839-2249, or e-mail at mjboroski@verizon.net.

Thank you again for any and all assistance in this matter.

Respectfully yours,

Mark and Judy Boroski

cc: Chris Kempley, Chief, Legal Division
Bradley Morton, Public Utilities Consumer Analyst
Dwight C. Nodes, Assistant Chief Administrative Law Judge
Steven Olea, Assistant Director